

Self Evaluation Report for Texas Access to Justice Community In Response to LSC Program Letter 2000-7

February 19, 2003

Introduction

This report responds to Legal Services Corporation (LSC) Program Letter 2000-7 on behalf of the access to justice community and the Legal Services Programs in Texas. This report also updates Texas progress in implementing the 1999 State Plan in addition to our responses to the questions presented.

Since our last report, the access to justice community in Texas has undergone a major overhaul. The State Planning process produced a plan in February 2001, approved by the Legal Services Corporation in March 2001, which reduced ten existing legal aid grantees to three large regional legal aid programs which emphasize providing a full range of legal services, using technology to enhance the delivery of legal services, and developing additional sources of funding. Two of the three service areas in Texas have merged existing programs into new entities. The third service area is in the process of merging. New goals have been set, all to be accomplished without additional funding until raised. Huge geographic areas with branch offices serving multiple counties, particularly in rural areas, require the creative use of technology in order to provide a full range of services. Saving and enhancing the past good work of programs while building on new systems and traditions are tasks that confront us in this endeavor.

Fortunately, the State Planning process has created new friends and supporters and unified old friends and supporters of the access to justice community in Texas. In particular, the January 2000 Texas Supreme Court hearing on legal aid to the poor created tremendous momentum which resulted in the creation of the Texas Access to Justice Commission in 2001. TATJC has rapidly developed into a pivotal cornerstone for the creation and expansion of an access to justice community in Texas. The Commission held its first meeting in June 2001, has met quarterly since and reports biannually to the Supreme Court of Texas about progress on access to justice in Texas.

The Texas Equal Access to Justice Foundation, another major partner in the access to justice community, moved on several fronts in 2001 and 2002 to support access to justice in Texas. TEAJF initiated a campaign to reduce fees on IOLTA accounts to enhance revenues as interest rates slid downward, initiated the Texas Campaign for Equal Access to create a statewide communication network to raise awareness of Access to Justice issues, received and administers an 18-month \$5,000,000 Crime Victims Civil Legal Services project under an agreement between the Supreme Court of Texas and the Office of the Attorney General of Texas, and implemented a program assessment system to access performance of TEAJF grantee organizations in the delivery of legal services to low income Texans.

The State Bar of Texas received the 2002 Harrison Tweed Award for achievement in preserving and increasing access to legal aid for the poor. The prestigious award is given annually by the American Bar Association and the National Legal Aid & Defender Association. The Texas Access to Justice Commission nominated the State Bar of Texas for this award. The State Bar of Texas supported the reconfiguration effort and creation of TATJC. Voluntary contributions by Texas attorneys to access to justice efforts doubled to nearly \$1,000,000 in 2002. Texas Lawyers Care continued pro bono support on behalf of the State Bar of Texas and provided staff support for the Texas Access to Justice Commission.

The State Bar of Texas Legal Services to the Poor in Civil Matters Committee continued its long-term support of the access to justice community. The committee submitted three legislative proposals to the State Bar of Texas Board of Directors during 2002: general revenue appropriations for legal services; appropriations for student loan repayment assistance (HB2323); and continuation of crime victims compensation fund disbursement for civil legal services to serve low-income victims of crime. The committee also was instrumental with the Texas Access to Justice Commission to create the third annual access to justice track at the local bar leaders conference in 2002.

The Texas Access to Justice Commission this fall asked that the Texas State Planning Committee become the Strategic Planning Committee for TATJC. We believe that this presents an opportunity for state planning in Texas to maintain a robust statewide planning structure, a rigorous planning process and to keep a comprehensive state plan current. The Texas Access to Justice Commission very early on bought into the state planning process, endorsed the new three program configuration for Texas, nurtured a supportive network for access to justice issues, and has been extremely active in resource development for legal aid in Texas.

I. To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in Texas?

- 1) What are the important issues that impact upon low-income people within your state? How is your state responding to these issues?

The client community has a full range of issues that impact upon low-income people in Texas which requires provision of a full range of services. In response, the three new legal aid programs in Texas have either undergone or will be shortly undergoing priority setting for their new service areas and priorities include consumer, health, income maintenance, housing, family with abuse or violence or other family, employment, individual rights, education, elder law, migrant and other issues. The three new legal aid programs in Texas have all considered the Suggested List of Priorities for Programs adopted by the Legal Services Corporation in May 1996, which includes the following: delivery of legal services; advice, brief services and referrals; maintaining, enhancing and protecting income and economic stability; preserving housing and related

housing needs; improving outcomes for children; seeking or maintaining safety, stability, and health or well being; and assisting populations with special vulnerability. The Texas Equal Access to Justice Foundation considers priorities in its funding decisions for LSC and non LSC-funded programs. Low income Texans still have many legal needs that may not be met with LSC or TEAJF funds due to restrictions. The Texas Access to Justice Commission supports providing a full range of legal services to low income Texans, including those restricted or prohibited by LSC or TEAJF, and will seek funding to provide them.

2) What are the components of the delivery system?

The three legal aid programs funded by LSC work together to provide a full range of free civil legal aid to low income residents throughout Texas. These three new law firms for low income Texans are creating and building new systems but are saving and enhancing the past good work of the former ten legal aid programs. They provide services on a statewide basis, including services in huge metropolitan areas and rural landscapes as varied as poverty pockets in the deep woods of East Texas, and border areas of South and West Texas.

The Texas Equal Access to Justice Foundation funds approximately 35 other organizations as part of the delivery system in Texas. They range from an elderly hotline, women's advocacy hotline, advocacy for the disabled, pro bono assistance in urban and rural areas, to immigration assistance.

Thousands of private lawyers provide pro bono services throughout the entire state to low income Texans. Many of these services are delivered through the private attorney involvement efforts of each of the LSC-funded programs. Many TEAJF funded programs provide pro bono services statewide and through local projects. The State Bar of Texas has made an increase of pro bono representation by Texas lawyers a priority and supports that effort through financial support and staffing of the Texas Lawyers Care program.

Texas has created a delivery system that increasingly uses telephone technology and the Internet to provide informational and preventive services, brief services, advice and counseling. Direct representation by an attorney still provides the backbone of any legal aid delivery system. Legal aid and pro bono attorneys represented low income Texans in cases and matters in Justice Courts, District Courts, Texas Courts of Appeals, the Supreme Court of Texas, as well as the U.S. Supreme Court. Frequently, this litigation affects the rights of broad categories or classes of clients. As a result, the delivery system develops and provides community legal education and materials in all priority areas

and promotes information that may prevent legal problems from arising in its work with individual clients and client groups. All three LSC-funded legal aid law firms have websites that provide significant community legal education, pro se and self-help information. A statewide website for community legal education, self-help and pro se issues is being developed and will serve as a clearinghouse for the entire state.

TRLA has implemented its Practice Area Delivery System in all of its offices, including those that were merged into TRLA in June of 2002. The new delivery system relies on a Citix-based wide area network, a centralized client database with a custom-written case management system at the front end, centralized telephone intake using law student intake workers in San Antonio and Austin, and a website that emphasizes support for advocates rather than clients. The resulting “virtual office” allows equal access from all geographic regions and communities. It also allows specialists, organized into more than 25 practice area teams, to bring their legal expertise to bear via the Internet on every case, regardless of the location of the attorney.

Restrictions on the provision of legal services by the Legal Services Corporation and the Texas Equal Access to Justice Foundation also limit access to the justice system. In Texas, equal access for the poor does not include the following: (1) access to legislative bodies where the laws are being written; (2) participation in administrative proceedings where the rules are being written; (3) use of Rule 23 of the Federal Rules of Civil Procedure or Rule 42 of the Texas Rules of Civil Procedure (pertaining to class actions); (4) reimbursement of attorneys’ fees in successful lawsuits; (5) any access at all for the poor who are in jail or prison at the time; (6) any access for the poor falsely accused of a drug offense where the local housing authority has based its eviction on that ground; (7) access, using most sources of funding, for undocumented aliens; (8) the ability to challenge unconstitutional “welfare reform statutes” and rules; (9) bringing civil rights actions to contest discriminatory voting districts in cities, counties and school districts; and (10) in some cases, suing any governmental entity. Currently, Texas does not have any organized method of handling restricted cases, and only minimal funding is available to provide those services. The Texas Access to Justice Commission views this as a significant challenge and a primary access to justice issue that will require considerable attention.

- 3) Has this system created mechanisms to assess its performance in relationship to commonly accepted external guides such as the ABA Standards for Providers of Civil Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last undertaken?

The Texas Equal Access to Justice Foundation conducts a program assessment system that includes measuring outcomes for clients, provides peer review, technical assistance, and oversight to its grantee organizations in accordance with the ABA Standards for Providers of Legal Services to the Poor. TEAJF recently conducted a program assessment on the first newly merged LSC-funded legal aid program in Texas during January 2003.

- 4) Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients -- regardless of whom the clients are, where they reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief service, and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.

The three new legal aid programs funded by LSC are large, regional law firms on behalf of low income Texans. Each of the regions includes a large urban area and multiple rural areas. All three legal aid programs have branch offices located throughout their service area to assure equitable access to clients. In addition, each of the three legal aid programs makes extensive use of telephone intake and advice. The Texas Equal Access to Justice Foundation funds other legal aid providers within each of the three regions, but requires that each legal aid provider within a given regional service area collaborate to insure equitable access. TEAJF increasingly looks to equitable access by regional service area as part of its funding criteria.

The three new legal aid programs either employ multilingual staff or have interpreters available for clients who speak other languages. Multiple language versions of printed materials on various legal topics are available as well. The three LSC-funded regional legal aid programs utilize TDD machines to assure easy access to the hearing impaired and have access to interpreters for the deaf to assist with in-person intake and representation.

Increasingly, statewide websites, as well as individual program websites, provide assistance including self-help and legal education. The three LSC-funded regional legal aid programs increasingly are considering websites for use in intake and providing advice and brief services to clients in difficult to reach locations and for particularly vulnerable client populations.

- 5) How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the state?

What technological initiatives are currently underway and how will they support the integrated statewide delivery system?

The three new legal aid programs in Texas use technology to provide increased access and enhance services to clients throughout the state. Two of the new legal aid programs have well established telephone advice and intake projects, and the third legal aid program is currently developing a system. Texas Rural Legal Aid received a TIG grant to expand its current Telephone Access to Justice intake and advice project at the University of Texas School of Law in Austin. The UT law school will award academic credit to students who provide services to clients in Southwest Texas. TRLA will be implementing a voice over IP computer-telephone system to link the intake operations under a single telephone number program-wide. TRLA will extend its intake and case management systems to other service providers in its region and the state. Legal Services of North Texas on behalf of Northwest Texas Legal Aid received a TIG grant to develop statewide self-help websites. Texas Legal Services Center received a contract from them to establish a Law-Help website for the public. The Texas Equal Access to Justice Foundation has offered technical support to non LSC-funded programs to enhance their use of technology in the delivery of legal services.

The Texas Access to Justice Commission has determined that the use of technology to provide increased access and enhance services to clients is a priority and has appointed a technology committee to review existing services in Texas and make recommendations for enhancements or changes.

- 6) How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farm workers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?

The plan to reconfigure legal aid programs in Texas into large regional organizations was developed in large part to expand resources and to provide critical legal services to low income clients, including hard-to-reach groups such as migrant and seasonal farm workers, native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor. The regional focus of each of the new legal aid programs in Texas has resulted in efforts unique to each of the three service areas. While each of the ten former legal aid programs had a good track record for providing services to hard-to-reach groups, the new regional programs by necessity are required to consider outreach to these groups in collaboration with other organizations and groups who provide services to them. The mergers have similarly

resulted in greater collaboration between legal aid attorneys as there is expertise available within programs for assistance and co-counseling.

The Texas Equal Access to Justice Foundation funds several organizations which provide statewide services to particular hard-to-reach groups and encourages cooperation and collaboration between groups within each of the three service areas, as well as the entire state. In particular, TEAJF funds two statewide hotlines: The Texas Legal Services Telephone Hotline for Texans and the Women's Advocacy Project's Domestic Violence Hotline.

- 7) What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within the state and within client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?

The state planning process has created many opportunities to identify and nurture new leaders within the legal aid delivery system and client communities. The three new, large regional LSC-funded law firms for low income clients in Texas created new boards of directors, building on leadership from the prior organizations, but with many new faces. The Texas Access to Justice Commission has been another opportunity for leadership, and many new leaders have stepped forward from the courts, from the private bar, from client groups and from community organizations, all with the best interest of the access to justice community. The Board of Directors of the Texas Equal Access to Justice Foundation also reflect the diversity of Texas.

The senior management of the three newly merged LSC-funded legal aid programs includes many new and familiar faces, but continues to have strong diversity. As a result, Texas equal access to justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within Texas. In particular, the Texas Access to Justice Commission and its partners have been at the forefront in looking for opportunities for innovation, experimentation, and creative solutions.

Leaders within the three LSC-funded legal aid programs have sought opportunities for innovation, experimentation and creative

solutions to access to justice problems. As a result, two Texas legal aid attorneys' were nominated and selected 2003 Fellows of the Center for Social Innovation, Stanford Graduate School of Business. Each year, the Center for Social Innovation (CSI) at Stanford University selects approximately 50 non-profit leaders from social and human services, healthcare, community development and education, and environmental organizations throughout the nation to become CSI Fellows. For two weeks on the Stanford University Campus, these individuals participate in the Executive Program for Nonprofit Leaders (EPNL), a program designed to further the professional development of current and future leaders in the nonprofit sector. Drawing on the leading edge research and course offerings of the Stanford faculty, the program integrates conceptual knowledge with Fellow's own experience to generate profitable and practicable insights about leadership and management. Like the Stanford MBA program, EPNL evolves as the faculty's most current thinking and research keeps pace with the rapidly changing management environment. Session topics include leadership and mission, effective governance, working with diversity for organizational effectiveness, new perspectives on marketing in the nonprofit sector, leading strategic change, people with strategy, operations management, financial management and metrics for success, and negotiation strategies and tactics. The EPNL program is considered to be one of the top nonprofit management trainings in the nation. Another legal aid lawyer was nominated and selected a Frances Hesselbein Community Innovation Fellow by the Drucker Foundation for 2002/2003. This Fellowship entails a year-long exposure for the Fellow to some of the best nonprofit leadership training in the nation.

Promoting diversity and leadership within the three LSC-funded programs begins with recruitment of new and experienced attorneys. The three LSC-funded programs have been successful in attracting a diverse staff. In addition, the programs nurture relationships with predominately minority law schools to promote legal aid as a career alternative with placement and clinical staff at top law schools, and also advertise extensively through the Internet and in local newspapers.

The Texas Clients Council has been very active and provided input into developing the delivery system. Clients have had opportunities to serve in leadership positions on the Board of Directors of the three new programs, as well as on the Board of Directors of the Texas Equal Access to Justice Foundation and Texas Access to Justice Commission.

The Texas Access to Justice Commission presents training annually to the State Bar of Texas leadership conference that is attended by presidents from all local and minority bar associations. The training includes an introduction to the access to justice community in Texas and provides a thorough grounding in access to justice issues to bar leaders.

This program has been effective in raising the level of understanding by bar leaders concerning access to justice issues and has been well attended.

- 8) What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?

The next steps to achieve a client-centered integrated and comprehensive delivery system in Texas include: completion of the merger process in the three LSC-funded regional legal aid programs; full development of an access to justice agenda by the Texas Access to Justice Commission; and full integration of the access to justice community within the TATJC committee structure. Clients will be actively involved in the next step by their participation within TATJC committees and planning process and by serving on the boards of the LSC-funded legal aid regional programs.

Texas has moved past the first stages in the planning process. TATJC provides fertile ground for the full bloom of access to justice issues and resolutions. The three LSC-funded legal aid programs must help plant the seeds of equal justice with the help of the access to justice community.

- 9) What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?

A state as large and diverse as Texas faces many obstacles in creating a first rate delivery system. The geography and landscape are huge and diverse; big cities, expansive rural areas with deserts, mountains, swamps, and deep woods. The economy is as diverse and varied as the landscapes. Some areas have tremendous resources, others have extreme poverty. The population is diverse and multiethnic. Texas has overcome many of these obstacles in the state planning process. Others remain.

A leading consultant in the state in the planning process, John Arango, has advised the State Planning Committee that states funded less than \$16 per poor person should focus on raising funding levels as their first priority.

Many gaps exist in developing a comprehensive, integrated statewide delivery system in Texas. A lack of adequate funding prevents many poor people in Texas from receiving access to the justice system that the poor in other, better-funded states enjoy. In addition, many poor people are under represented, in that they receive advice from a legal aid

provider when they would, in fact, prefer to receive representation on a legal matter.

If Texas is to have a first-rate comprehensive, integrated statewide delivery system for the provision of legal services to the poor, it must find solutions to and resolve the issues reviewed by the state planning process. In particular, it must resolve the dual dilemma of inadequate funding for the delivery of legal services to the poor and limitations and restrictions on poor people's access to the justice system. While Texas has seen some significant new sources of funding for legal services since the advent of the Texas Access to Justice Commission, such as the Crime Victims Civil Legal Services Program, Texas has lost LSC funding due to the 2000 census and also experienced a significant decline in Texas Equal Access to Justice Foundation IOLTA funding due to the decline in interest rates. We are hopeful that the success that the Texas Access to Justice Commission has recently experienced will continue.

- 10) Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?

No-cost benefit analysis has been completed to date. The Texas Access to Justice Commission has expressed an interest in supporting social science research on this issue. See November 9, 2002 TATJC Minutes.

- 11) What resources, technical assistance and support would help you meet your goals?

An old adage says that it is better to teach a hungry man to fish than to just give him fish so that he may learn to feed himself in the future. The access to justice community in Texas may need technical assistance and support to learn how to develop adequate resources to reach our goals.

II. To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

While providers of Civil Legal Services still face many challenges and the delivery system does not yet meet the needs of all poor Texans, we believe we have achieved a great deal. As noted earlier, our access to justice community in Texas has undergone a major overhaul. The 1999 Texas State Planning report bears little resemblance to the current situation due to the many changes such as reconfiguration and the creation of the Texas Access to Justice Commission. The

Texas access to justice community now looks at the provision of civil legal services to be a statewide issue and- “desires that no eligible client be left behind.” It is in that spirit that the three new LSC-funded legal aid programs have approached state planning and priority setting in their new programs and service areas just as the entire Access to Justice Community begins to look at the gaps and service throughout the state.

- 1) In terms of the issues impacting upon low-income persons within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?

We know that if Texas is to have a first-rate comprehensive, integrated statewide delivery system for the provision of legal services to the poor, it must find solutions to resolve the issues reviewed by the State Planning process. We must resolve the dual dilemma of inadequate funding for the delivery of legal services to the poor and limitations and restrictions on poor persons’ access to the justice system. We need to make greater use of technology to serve clients, provide a full range of legal services, including representation that is currently restricted by existing funding sources and also seek funds and resources to maintain a full range of legal services. The Texas Access to Justice Commission has organized itself to address these issues, and will measure its success by obtaining results in each of these areas. TATJC has over 200 access to justice volunteers working on seven committees to address these issues. The committees are: Strategic Planning, Communications, Resource Development, Education, Systemic Issues, Coordination/Technology, and Assisted Pro Se. Five of the committees have subcommittees:

Subcommittees of the Systemic Issues Committee

- 1) Physical/Communication Barriers Subcommittee:
Will identify language and other communication or physical barriers to obtaining justice and explore options for addressing those issues, including legislation.
- 2) Substantive Law Issues Subcommittee:
Will identify, prioritize, and address statutory provisions and administrative rules that limit access to justice by the poor.
- 3) Family Law Simplification Subcommittee:
Will explore alternatives to the complex family law system in Texas, such as the use of standardized forms, creation of administrative remedies, elimination of jury option, etc.
- 4) Gap Groups Subcommittee:
Will identify underserved populations, prioritize needs, and develop strategies for addressing those needs.

- 5) Court Rules and Policy Issues Subcommittee:
Will identify, prioritize, and address court rule and policy issues that limit access to justice.

Subcommittees of the Education Committee

- 1) Lawyer Education Subcommittee:
Will focus on incorporating access to justice topics in CLE programs and other lawyer specific education.
- 2) Judicial Education Subcommittee:
Works with the judges' training groups to incorporate access to justice topics.
- 3) Legal Education Subcommittee:
Focuses on promoting access to justice among law schools and students, including curricula and service issues.
- 4) K-12 Education Subcommittee:
Will work to incorporate access to justice issues in the curriculum for K-12 students.
- 5) Student Loan Repayment Assistance Subcommittee:
Created guidelines and procedures for the TATJC student loan repayment program and administers the program.

Subcommittees of the Coordination/Technology Committee

- 1) Statewide Web Site Project Subcommittee:
Will build an integrated, comprehensive statewide website using a template developed by ProBono.Net to increase access by indigent and low-income Texans to basic legal information, legal assistance, and social services, and to facilitate pro bono representation by the private bar.

Subcommittees of the Assisted Pro Se Committee

- 1) Court-based Assisted Pro Se Subcommittee:
Will package model programs and develop and implement a promotional campaign designed to encourage their replication. It will also identify successful court-based programs in smaller counties and, if necessary, help develop smaller county models that can also be promoted.
- 2) Statewide Pro Se Website Support Subcommittee:

Will provide assistance to the work group developing the statewide pro se website funded by LSC, in conjunction with the Technology Committee.

- 3) Protective Order Subcommittee:
Works to improve access to and enforcement of domestic violence protective orders.

Subcommittees of the Resource Development Committee

- 1) Foundations Subcommittee:
Will work on partnering with foundations to leverage funding for legal services to the poor.
- 2) Cy Pres/Negotiated Settlement Subcommittee:
Will inform attorneys/judges about the need for legal services and encourage them to use cy pres and negotiated settlements for funding legal services programs.
- 3) Legislative/Administrative Subcommittee:
Will work on possible legislative issues such as general revenue funding for legal services, a filing fee for administrative hearings, continued/increased funding for Crime Victims Civil Legal Services, as well as pro hac vice and the SBOT Dues Statement.
- 4) IOLTA Revenue Enhancement Subcommittee (IREC):
This is a joint committee with the Texas Equal Access to Justice Foundation, which administers IOLTA funds. Projects may include recommending rule changes to allow for sweep accounts, working with banks to increase IOLTA yield, educating attorneys regarding closing negative accounts.

Subcommittees of the Communications Committee

- 1) Campaign for Equal Access Subcommittee:
Will handle the pilot communications strategy project.
- 2) ATJ Identity Package Subcommittee:
Will develop and coordinate the ATJ Website, letterhead/business cards, brochures, etc.
- 3) Law Day 2003 Subcommittee:
Will work on Access to Justice components of Law Day 2003.

The Texas State Planning process has entered a new and critical phase that will require the three newly created LSC-funded programs to work collaboratively with the Texas Access to Justice Commission to

assure that gaps in legal aid are being met. In the past, Texas legal aid programs would not consider statewide coordination to be one of their greatest strengths. That has changed. Leaders from the three new legal LSC-funded programs meet regularly with the Texas Equal Access to Justice Foundation, the Texas Access to Justice Commission, the State Bar of Texas Leadership, non LSC-funded legal aid providers, and all persons who are interested in the access to justice movement in Texas.

A number of issues have been raised at the statewide level. Domestic violence now has a presence with all providers of civil legal aid that is unparalleled in Texas history. The growing Hispanic, Asian, and other non-English speaking populations have also received heightened awareness in the access to justice community. Written materials regarding legal aid and Access to Justice are now translated into numerous languages to be distributed to all of the various populations. Housing issues for the poor have received more attention, particularly in areas with extraordinary poverty issues such as the “Colonias” situation in border counties on the Rio Grande and with long-standing housing discrimination in East Texas. Texas Rural Legal Aid and Lone Star Legal Aid both have special housing projects addressing these issues for low income Texans.

The Texas Equal Access to Justice Foundation conducts a program assessment that includes measuring outcomes for grantee clients that should ensure that we measure our success in meeting our established objectives.

- 2) Has the legal services delivery system expanded access and services through coordination with providers throughout the state? Can this be quantified?

The recent LSC service area realignment, and the Texas Equal Access to Justice Foundation adoption of the service area configuration has placed a great emphasis on expanding access and services through coordination with providers throughout these regions and the state. The emphasis on use of technology by the three newly formed LSC-funded regional legal aid law firms in the three service areas has also placed emphasis on expanded access and services through regional and statewide coordination. The introduction of VAWA grants has increased coordination and collaboration with providers throughout each region of the state. TRLA has integrated its services with those of the battered women’s shelters in its service area. TRLA’s lawyers supervise the legal work performed by shelter advocates, most of whom are on the TRLA network and case management system. Other legal service providers in the area will be added to the system in the coming year. To date, those effects have not been quantified.

- 3) Has the quality of services provided by the legal services delivery system improved? How?

We believe that the quality of services provided by the legal services delivery system is high. This will be borne out in the future as the Texas Equal Access to Justice Foundation implements its program assessment system, which includes peer review assessment for all TEAJF funded programs. TEAJF recently conducted a program assessment on the first newly merged LSC-funded regional legal aid program in Texas during January 2003, and will evaluate the other programs in the near future.

- 4) Since 1998, has there been improvement in the relative equity of client access throughout the state for all low income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/national origin, or the existence of other access barriers? How is this equity achieved?

The reconfiguration of LSC service areas in 2001 and the resulting creation of three new LSC-funded regional law firms has improved the relative equity of client access throughout the state for all low income clients, regardless of who they are, where in the state they reside, what language they speak, their race/gender/national origin, or the existence of other access barriers. The Texas Equal Access to Justice Foundation has adopted the reconfigured service areas and increasingly looks to equitable access by regional service area as part of its funding criteria. All three new regional legal aid programs have placed branch offices throughout the service area to ensure equitable access to clients. In addition, each of the three legal aid programs makes extensive use of telephone intake and advice. See, e.g., the discussion of the TRLA Practice Area Delivery System, above. The Texas Equal Access to Justice Foundation funds other legal aid providers within each of the three regions, but requires that each legal aid provider within a given regional service area collaborate to assure equitable access. TEAJF funds two statewide hotlines to provide services to many who face such barriers. Increasingly, statewide web sites, as well as individual program websites, provide assistance including self-help and legal education.

- 5) Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources

(funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?

The plan to reconfigure legal aid programs in Texas into large regional law firms was developed in large part to expand resources, to provide critical legal services to low income clients and to provide a full range of legal services. Texas has many of the poorest counties in the nation, and the reconfiguration model was developed to take this into account. In part, the reconfiguration plan was motivated by a desire to equalize relevant resources among the three LSC grantees – private lawyers, foundations, and general economic activity. In addition, there are a great many more private lawyers available in urban areas than in rural areas. Texas Lawyers Care and each of the three new LSC-funded regional legal aid law firm private attorney involvement projects are developing strategies to overcome these inequities.

The Texas Equal Access to Justice Foundation considers access to a full range of legal services in its grant making process to assure the equitable distribution of its funds throughout Texas. The Texas Access to Justice Commission has made equitable access to a full range of legal services for low income Texans one of its priorities.

- 6) Does this legal services delivery system operate efficiently? Are there areas of duplication?

The three new LSC-funded regional law firms are works in progress, but show great promise to operate more efficiently than the old system. The Texas Equal Access to Justice Foundation adopted the reconfigured three service areas and considers the potential for duplication in its grant-making capacity.

- 7) Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low-income people?

The three new LSC-funded regional law firms are developing new PAI plans which consider the urban and rural nature of the three service areas, and plan to expand the way they involve private attorneys and the delivery of legal services to low income Texans. Texas Lawyers Care/State Bar of Texas also works to expand the involvement of private attorneys in the delivery of essential services to low income Texans. The TEAJF routinely considers private attorney involvement in their funding decisions and oversight of grantee organizations.

III. Are the best organizational and human resource management configurations and approaches being used?

- 1) What is the current configuration of programs (LSC and non-LSC) that deliver services to low-income clients -- i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?

Texas, according to the 2000 census, has 3,117,609 eligible poor residing in 254 counties. In 2003, LSC will provide \$26,112,305 funding. In 2003, the Texas Equal Access to Justice Foundation will provide \$11,164,489 in funding for services to low income clients.

LSC reconfigured Texas service areas in 2001, and three new regional legal aid law firms deliver services to low-income clients.

Northwest Texas Legal Aid (currently composed of West Texas Legal Services and Legal Services of North Texas) serves 858,702 clients, according to the 2000 census, in 114 counties, 27.54 percent of the poverty population in Texas. NWTLA received \$6,844,410 in basic field LSC funding, \$2,289,464 2003 TEAJF funding, and approximately \$2,500,000 in other funding for 2003. Total of \$11,633,874.

Lone Star Legal Aid serves 1,088,661 eligible clients, according to the 2000 census in 72 counties, 34.92 percent of the poverty population of Texas. LSLA receives \$8,677,335 in LSC basic field funding, \$2,288,657 TEAJF funding, and approximately \$1,539,000 in other funding for 2003. Total of \$12,504,992.

Texas Rural Legal Aid serves 1,170,246 eligible clients, according to the 2000 census, in 68 counties, 37.54 percent of the poverty population in Texas. TRLA receives \$9,327,617 in 2003 LSC basic field funding, \$1,234,600 in migrant funding, and \$28,343 in native American funding from LSC, \$3,321,456 2003 TEAJF funding, and approximately \$1,500,000 in other funding for 2003. Total of \$17,003,000.

Each program has a board of directors and a chief executive or executive director.

In 2003, TEAJF will provide \$3,264,912 funding to another 35 organizations to provide a variety of civil legal aid to low income Texans. They include the following statewide providers: Advocacy, Inc., Oficina Legal del Pueblo Unido, Inc. - Texas Civil Rights Project, Southern Disability Law Center, Texas Legal Services Center, Women's Advocacy

Project, Inc. - Legal Hotlines, Texas Border Asylum Project, Las Americas, Casa da Proyecto Libertad, ProBar, and MALDEF.

TEAJF uses the LSC service area configurations and funds the provision of services within those service areas as follows:

East Texas service area: Political Asylum Project of Austin, Catholic Charities of the Diocese of Beaumont, Brazos County Civil Legal Aid, Catholic Charities of Dallas, Houston Immigration Coalition (Catholic Charities Galveston - Houston, University of Houston Law School, YMCA International), Aid to Victims of Domestic Abuse, Houston Volunteers Lawyers, NAACP - Houston, South Texas College of Law Clinic, and Family Haven Crisis and Resource Center, Paris, Texas.

Northwest Texas service area: Catholic Charities of Dallas, Dallas Bar Association Community Service Fund, Dallas Legal Hospice, Housing Crisis Center of Dallas, NAACP - Fort Worth, and the Legal Aid Society of Lubbock.

Southwest Texas service area: AIDS Services of Austin, Inc., Political Asylum Project of Austin, Volunteer Legal Services of Central Texas, Diocesan Migrant & Refugee Services of El Paso, San Antonio Immigrant and Refugee Coalition, Lawyers' Committee for Civil Rights, Catholic Charities - San Antonio, Refugee Aid Project of San Antonio, St. Mary's Law School Immigration Clinic, and Family Violence Prevention Services of San Antonio.

- 2) Since October 1998, what other configurations and/or approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?

The State Planning Committee examined many models for configuration. At a January 22, 2001 meeting, the committee previewed six configuration models and unanimously endorsed the current model (February 7, 2001 letter). LSC approved the model in a March 15, 2001 letter. No other changes are contemplated in the coming year.

- 3) Is there any identifiable duplication in capacities or services in Texas? How many duplicative systems -- accounting systems, human resource's management systems, case management systems, etc. -- currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?

Reconfiguration and the resulting mergers of programs created a new service delivery system that minimizes most duplications that existed prior to October 1, 1998. The 2002 reconfiguration created three very

large programs in terms of both geography and numbers of clients, each the size of most statewide programs in other parts of the nation. Each of the three LSC grantees uses a different case management system, and has its own management and accounting systems.

- 4) Since October 1998, what innovative service delivery systems/mechanisms/initiatives been adopted in the state? Have any been explored and then rejected?

The state planning process looked at many innovative service delivery systems and adopted a three-service-area model best suited to serve the next urban rural Texas landscape. The Texas Access to Justice Commission was created by the Supreme Court of Texas in 2001.

Conclusion

The Texas delivery model effectively implements many of the concepts and principles of a comprehensive, integrated and client-centered legal services delivery system, but there is still much to do. If Texas is to have a first-rate, comprehensive, integrated statewide delivery system for the provision of legal services to the poor, it must find solutions to and resolve the issues reviewed by the State Planning process. Three issues in particular stand out: using technology to increase and enhance services, providing a full range of legal services, including services currently limited by LSC and TEAJF restrictions, and raising adequate resources to fund the provision of a full range of legal services.

References

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Texas Access to Justice Commission Minutes of the November 09, 2002 meeting.

Texas Equal Access to Justice Foundation Memorandum to the Supreme Court of Texas dated October 04, 2002 regarding major program accomplishments during 2001-2002.

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March 15, 2001 letter from Randy Youells, Vice-President for Programs, Legal Services Corporation re: Acceptance of Texas Reconfiguration Plan.

February 07, 2001 letter from Paul E. Furrh, Jr., Chair, Texas Legal Services State Planning Committee for the Delivery of Legal Services to the Poor re: Configuration of LSC-funded Programs in Texas.

1999 Texas State Plan.

April 1, 1999 Legal Services Corporation letter in response to 1998 Texas State Plan.

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